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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,568	08/24/2001	Stefan Paul Keller-Tuberg	Q64991	8849

7590 10/18/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
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Washington, DC 20037-3213

EXAMINER

CHANG, RICHARD

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,568

Applicant(s)

KELLER-TUBERG, STEFAN PAUL

Examiner

Richard Chang

Art Unit

2663

mw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 1-12 had been canceled. Claims 13-26 are new claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,563,830 ("Gershon et al.") in view of US patent 6,301,255 ("Park").

Regarding Claims 13, 17, 21 and 25, Gershon et al. teach a method and apparatus for multicast in an Asynchronous Transfer Mode (ATM) based Emulated LAN (10 as a point-to-point/point-to-multipoint enabled network) (See Fig. 1) comprising of

IP multicast router (next or within 94 is similar to 112 as nodes 12 depicted in Fig. 1), subscriber access node (100, LES), and a plurality of end user communications equipments (114), comprising the steps of:

providing a single, bidirectional multicast information flow between said multicast router (94) and said subscriber access node (100) over a point-to-multipoint connection;

providing a separate bidirectional flow of control data between each of said end user communications equipments (114) and said multicast router via said subscriber access node (100) over separate point-to-point connections (See Fig. 4, Col. 5, lines 1-24).

Gershon et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

“replicating, in said subscriber access node , once for each of said end user equipments, multicast information data received over said single, bidirectional multicast information flow from said multicast router to form a separate unidirectional multicast information flow for each of said end user communications equipments” and

“transmitting the separate flows of multicast information data replicated in said subscriber access node over respective unidirectional point-to-multipoint connections between said subscriber access node and respective ones of said end user communications equipments”.

Park teaches an ATM switching system for multicast data communication that it is well known in the art where in a multicast connection, cells from the source (92, once for each of said end user equipments, multicast information data received ... each of said end user communications equipments) are duplicated within the network (100, replicating, in said subscriber access node) and

then separately routed to each destination (114) in turn (transmitting the separate flows of multicast information data replicated ... end user communications equipments) (See Col. 1, lines 56-60).

A person of ordinary skill in the art would have been motivated to employ Park in Gershon et al. in order to obtain a method and apparatus for multicast in an ATM based ELAN and to take advantage of duplicating cells from the source, in a multicast connection, within the network and then separately routed to each destination in turn in claims 13, 17, 21 and 25.

The suggestion/motivation to do so would have been to duplicate cells from the source, in a multicast connection, within the network and then separately routed to each destination in turn, as suggested by Park in Col. 1, lines 56-60. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Park with the Gershon et al. to obtain the inventions specified in claims 13, 17, 21 and 25.

Regarding claims 14, 18 and 22, these claims have limitations that is similar to those of claims 13, 17 and 21, thus it is rejected with the same rationale applied against claims 13, 17 and 21 above.

Regarding claims 15, 19 and 23, these claims have limitations that is similar to those of claims 13, 17 and 21, thus it is rejected with the same rationale applied against claims 13, 17 and 21 above.

Regarding claims 16, 20 and 24, these claims have limitations that is similar to those of claims 13, 17 and 21, thus it is rejected with the same rationale applied against claims 13, 17 and 21 above.

Regarding claim 26, this claim has limitations that is similar to those of claim 25, thus it is rejected with the same rationale applied against claim 25 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



rkc

Richard Chang
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Art Unit 2663



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